

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: STOYANOV, ATANAS, et al.

Application No.: 10/057,436

Customer No.: 33401

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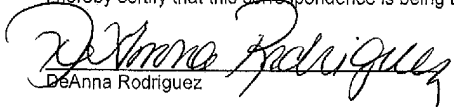
Group Art Unit: 3624

Examiner: CHANDLER, SARA M.

Title: COMPUTERIZED RETAIL FINANCE PROGRAM SELECTION SYSTEMS AND METHODS

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to the United States Patent and Trademark Office On January 13, 2009


DeAnna Rodriguez

SUMMARY OF EXAMINER INTERVIEW

Mail Stop Amendment No Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicants thank Examiner Sara Chandler for the time which she spent discussing the outstanding office action with Applicants' attorney, Marc E. Brown, over the telephone on January 12, 2009.

Claims 4, 45, and 48 were discussed in light of the references which had been applied against them. Applicants' attorney pointed out that the following factual conclusions which the Examiner made about CarsDirect.com in her office action mailed on September 17, 2008, were not correct:

CarsDirect.com discloses . . . calculating a profit amount for each of the plurality of retail finance programs for the vehicle with software in the computer system given the amount of the target monthly payment and handling the financial data and the information about the vehicle as constraints (CarsDirect.com, pgs. 2-3).

* * * *

CarsDirect.com further discloses receiving an amount of cash available from the customer for an initial payment in the system as an input, and wherein the calculating the profit amount also is done given the amount of available cash (CarDirect.com, pges. 2-3).

* * * *

CarsDirect.com further discloses wherein the calculating the profit amount for each of the plurality of retail finance programs for the vehicle maximizes the amount of profit that can be generated by each of the retail finance programs given the amount of the target monthly payment and handling the financial data and the information about the vehicle as constraints (CarsDirect.com, pgs. 2-3).

Office Action, mailed September 17, 2008 at pp. 6-8.

As discussed during the interview, CarsDirect.com does not in fact disclose any of these important features of claims 4, 45, and 48. Indeed, CarsDirect.com does not even disclose that its system is used by dealers. CarsDirect.com merely provides financing programs to consumers that meet loan terms provided by the consumers so that the consumers may "then select the most attractive financing options." Nowhere does CarsDirect.com suggest that a target monthly payment (Claims 4, 45, and 48) or an initial cash payment (Claim 45) be used in determining the profit made by a finance program. CarsDirect.com also does not disclose that the profit made by a financing program should be maximized (Claim 48), such as by exploring a change in the vehicle price (Claim 49) or a warranty (Claim 51). The contrary factual contentions made by the Examiner, as quoted above, are simply not correct.

In short, and contrary to what the Examiner concluded, key features of these claims are not disclosed in any of the applied references. The Examiner has also failed

to offer any reason as to why these key differences between Claims 4, 45, and 48 and the applied references were merely obvious differences. The reasons for obviousness which the Examiner did provide were based on erroneous understandings of what the applied references disclosed. Plainly, determinations of obviousness that are based on erroneous understandings of the applied references are not proper.

The Examiner indicated that she would consider these arguments. This is appreciated.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP


Marc E. Brown, Registration No. 28,590

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